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Counsel for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.
PASSENGER SEXUAL ASSAULT
LITIGATION

MDL No. 3084 CRB
Hon. Charles R. Breyer

**NOTICE OF MOTION AND
MOTION TO WITHDRAW AS
COUNSEL OF RECORD;
SUPPORTING MEMORANDUM**

This Document Relates to:

CLF K.P. v. Uber Technologies, Inc., et al.
Case No. 3:25-cv-4288-CRB

Date: November 7, 2025
Time: 10:00 am
Courtroom 6

TO ALL PARTIES: **PLEASE TAKE NOTICE** that on November 7, 2025 at 10:00 a.m., or as soon thereafter as the matter may be heard before the Honorable Charles R. Breyer, Judge of the United States District Court, located at 450 Golden Gate Avenue, Courtroom 6, 17th Floor, San Francisco, California 94102, plaintiff's counsel, Tracey B. Cowan and Clarkson Law Firm, P.C., will move the Court for leave to withdraw from representation of CLF K.P. ("Plaintiff" or "Plaintiff K.P." herein).

This motion is made on the grounds that Plaintiff's counsel has been unable to successfully contact Plaintiff K.P. for multiple months, making it unreasonably difficult to represent her.

1 This motion is based on this notice, the following memorandum of points and authorities,
2 and the declarations filed in support thereof, and on such other evidence as may be adduced.

3
4 Dated: October 3, 2025

Respectfully submitted,

5 By: /s/ Tracey B. Cowan
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18 *Counsel for Plaintiff*
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MEMORANDUM IN SUPPORT OF MOTION TO WITHDRAW

A client's repeated failure to communicate with counsel in not responding to phone calls and written communication is sufficient to be considered conduct making it unreasonably difficult for counsel to carry out the litigation. (*Beard v. Shuttermart of Cal., Inc.*, 2008 U.S. Dist. LEXIS 10575 (S.D. Cal. Feb. 13, 2008); *Navarro v. Costco Wholesale Corp.*, 2023 U.S. Dist. LEXIS 19958 (S.D. Cal. Feb. 6, 2023).)

Plaintiff K.P. signed a retainer agreement with Plaintiff's firm on February 28, 2025. (Declaration of Tracey Cowan ("Cowan Decl."), ¶ 2.) A material term of that contract was that Plaintiff must always maintain updated contact information. (*Id.*) The contract also specified that, if Plaintiff failed to uphold her contractual obligations, Plaintiff's firm would have grounds to withdraw as counsel. (*Id.*) Despite this agreement, for several months, Plaintiff's counsel has been unable to contact Plaintiff K.P. despite repeated attempts to reach her. (*Id.* ¶¶ 3, 5–10.) Plaintiff's counsel has not been able to reach Plaintiff at the phone number she provided. (*Id.* ¶ 3.) Plaintiff has also not responded to multiple certified letters sent to her physical addresses and has not responded to emails that have been sent to the email address she provided. (*Id.* ¶¶ 3, 5–10.)

Plaintiff's counsel made multiple attempts over several months to contact Plaintiff K.P. in advance of the court-ordered deadline that Plaintiff produce a Plaintiff Fact Sheet ("PFS"). (*Id.* ¶ 5.) Plaintiff's counsel's attempts via phone call, text message, and email were not returned until June 13, 2025. (*Id.* ¶¶ 3, 5–10.) Plaintiff's counsel requested an extension of the PFS deadline from defense counsel. (*Id.* ¶ 6.) On June 15, 2025, Defendants granted one 30-day extension, extending Plaintiff's PFS deadline until July 18, 2025. (*Id.*) Plaintiff's counsel attempted to reach out several more times via phone calls, text message, and email—none of which were returned.

Plaintiff's counsel sent a letter via certified mail on July 22, 2025, to the physical address in Indianapolis, Indiana provided by Plaintiff K.P., and via email at the email address Plaintiff provided. (*Id.* ¶ 7.) This letter stated that if Plaintiff was unable to communicate with her counsel, Plaintiff's counsel would no longer be able to represent her in this litigation and failure to complete a timely PFS could result in dismissal. (*Id.*) This letter reiterated Plaintiff's duty to communicate, as stated in the representation agreement she signed. (*Id.*) The letter was returned

1 to our office. (*Id.*) Plaintiff's counsel also requested additional time to submit a verified PFS,
2 which Defendants extended to August 5, 2025.

3 On August 4, 2025, having still not heard from Plaintiff, Plaintiff's attempted to reach
4 plaintiff again via phone call, text message, and email. On August 27, 2025, Plaintiff's counsel
5 sent a final withdrawal letter to Plaintiff K.P.'s physical address and also by email. (*Id.* ¶ 9.) This
6 letter is currently on route to be returned to sender. (*Id.*) Further, after a diligent search to confirm
7 Plaintiff K.P.'s current address, Plaintiff's counsel hired a process server to personally serve
8 Plaintiff the letter at her address in Indianapolis, Indiana. (*Id.* ¶ 10.) On September 8, 2025, after
9 multiple attempts, the process service was able to speak with Plaintiff K.P.'s aunt, who resides
10 at the physical address Plaintiff K.P. had provided as her address. Plaintiff K.P.'s aunt informed
11 the process server that Plaintiff K.P. is currently transient, with her whereabouts unknown. On
12 September 13, 2025, the process server returned to the physical address in Indianapolis, Indiana
13 and left the letter in care of Plaintiff K.P.'s aunt, which was Plaintiff's last known address, since
14 neither Plaintiff's counsel nor Plaintiff's aunt knows her current address. (*Id.*)

15 Plaintiffs K.P.'s inability or refusal to communicate has prevented her counsel from
16 collecting information required by court-ordered deadlines. (*Id.* ¶ 11.) As referenced above,
17 Plaintiff's counsel was unable to speak with Plaintiff and gain additional information regarding
18 her claims prior to August 5, 2025, the court-mandated deadline to submit her Plaintiff Fact
19 Sheet—a deadline that had already been extended by defense counsel twice to allow Plaintiff's
20 counsel additional time to reach Plaintiff K.P. (*Id.*) The PFS requires information counsel does
21 not currently have and further requires Plaintiff provide responses in her own words. (*Id.*)
22 Plaintiff's counsel thus cannot complete and submit Plaintiff's PFS without communicating with
23 Plaintiff. (*Id.*) Plaintiff's counsel informed Plaintiff, via email and in the multiple hard-copy
24 letters mentioned above, of the importance of responding, specifically because of the relevant
25 court-mandated deadlines. (*Id.*)

26 Plaintiff's counsel has completely lost communication with Plaintiff and has no way to
27 find or contact her. (*Id.* ¶ 12) Without Plaintiff's cooperation and willingness to communicate
28 with her counsel, it is impossible for the undersigned to effectively represent her. Therefore,

1 Plaintiff's counsel requests that they be granted leave to withdraw as attorneys of record for
2 Plaintiff CLF K.P.

3
4 Dated: October 3, 2025

Respectfully submitted,

5 By: /s/ Tracey B. Cowan
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18 *Counsel for Plaintiff*
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CERTIFICATE OF SERVICE

I, Tracey Cowan, hereby certify that I caused to be served on the attached Notice of Motion and Motion to Withdraw as Counsel, and Supporting Memorandum and Declaration of Tracey Cowan in Support of Motion to Withdraw on October 3, 2025, by first class U.S. Mail, addressed to: Plaintiff CLF K.P., at the last recorded address on file.

Executed in San Rafael, California on October 3, 2025.

s/Tracey Cowan

Tracey Cowan